
DECISION MEMO

Pasadena / Frank Peck Lode Exploration Project

USDA Forest Service, Northern Region

Red River Ranger District

Nez Perce – Clearwater National Forests

Idaho County, Idaho



I. Decision

I am authorizing the exploratory re-opening of an old adit and developing a new adit within the Crooked River drainage, to extract bulk ore samples for testing and assaying minerals, with the following terms and conditions. The legal description is: T27N, R7E, N ½ S12 (Boise Meridian).

A. Background

One of the roles of the Forest Service (FS) is to ensure that minerals activities both minimize adverse environmental effects to resources and comply with all applicable environmental laws. Forest-wide management direction in the Nez Perce Forest Plan encourages exploration and development of mineral resources while minimizing surface impacts from those activities (Management Area 4).

The project site is accessed by traveling on NFS Road #233 (Crooked River Road), then NFS Road #311 (Penman Road), then approximately 250 yards to NFS Road #9848, then approximately one mile on NFS Road #9848. The project area lies in a historic mining area and contains upland vegetation and timber of mixed species. Claimants propose to explore possible gold values on unpatented minerals claims, and the need of the project is to determine if sufficient quantities of valuable minerals exist to warrant further exploration or development. They have already performed prospecting activities and are narrowing the search for finding valuable mineral resources that can be mined, removed, and marketed at a profit.

B. Design Specifications / Equipment

The caved-in area of the existing adit will be cleaned out and widened to the existing portal location to allow for a safe work area, and excess material will be stockpiled at the existing waste dump. This work will be accomplished with a track hoe and a dozer and will increase the existing disturbed area from approximately 75' X 20' to approximately 75' X 35'. The site of the proposed new portal will require a pad to provide a level work area. The size of this pad will be determined by the size of equipment that will access the site, but should be approximately 50' x 75'. Once exploration is completed, the area will be restored to original contour, topsoil replaced, and the site will be re-vegetated, according to Best Management Practice (BMP) standards.

The sites will be accessed using either existing or old road templates, with the exception of one site which will require approximately 200' of temporary road construction. When work is completed, this temporary road will be re-contoured, mulched with existing duff and woody debris, and seeded as required as part of the reclamation of the site. Approximately one mile of NFS Road #9848 will require reconditioning in order to access the site. This would include grading and widening the road

in areas, with the installation of hand constructed water bars to mitigate for sediment production. A reclamation bond will be calculated by the Forest Service, in an amount to cover all reclamation costs. This bond will be submitted and posted by the operator before the Plan of Operation is approved and before work may begin.

All activities will follow both State of Idaho mining Best Management Practices and standard mitigation measures for mineral projects developed by the Nez Perce-Clearwater National Forests (and incorporated into the operator's permit), including, but not limited to: notifying the District Ranger or minerals administrator 48 hours before any work is to begin; not beginning operations until a field review is conducted by appropriate Forest Service personnel to ensure acceptable conditions exist (no excessive saturation, high water, etc.); restricting travel to the dry season only, with no travel permitted during wet or rainy conditions or during hunting season; seeding bare ground, caused by overland travel, with an appropriate seed mix at the end of the season; constructing water bars by hand, where appropriate, to mitigate against surface erosion; washing all vehicles and equipment used at the site before being brought onto FS lands to prevent the spread of noxious weeds; avoiding disturbances of wetlands and stream riparian zones; avoiding working on saturated soils; not discharging water into any live stream or wetland; incorporating existing woody debris and vegetation located onsite into the soil to maintain organic matter content and long-term soil productivity; developing a hazardous material and spill prevention plan and submitting it to the District Ranger prior to operations; not storing more than 30 gallons of fuel or oil in the project area; removing all equipment, garbage and trash resulting from the operation from FS lands, prior to October 1; and, using and maintaining a sanitary facility at the project area while operations are ongoing. The project will be completed within one year from start of implementation.

II. Rationale for Decision

A. Category of Exclusion

Based on information in this document and the project record, I have determined that this project may be categorically excluded from documentation in an EA or EIS, and it meets all the criteria outlined in *36 CFR 220.6(e)(8): Short-term (1 year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than 1 mile of low standard road, or use and minor repair of existing roads.*

B. Finding of No Extraordinary Circumstances

I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6(b)). The rationale for my decision is based on: 1) the project fully meeting the criteria for Categorical Exclusions; 2) the project meeting the purpose and need; 3) the findings related to extraordinary circumstances, discussed below; 4) the project's consistency with laws and regulations, including the Forest Plan; 5) on-the-ground reviews and discussions with Forest and/or District resource specialists; and, 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), other agencies' concurrences, and/or specialists' reports.

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:

Fish	Effect	Other Wildlife	Effect	Plants	Effect
Threatened, Endangered, Proposed, Candidate					
Bull trout, Steelhead trout, Fall chinook Salmon	No effect	Canada lynx / Critical Habitat	No effect	Water howellia, MacFarlane's four-o'clock, Spalding's catchfly, Whitebark pine	No effect
Sensitive					
Westslope cutthroat trout, Pacific lamprey, Spring chinook salmon, Interior redband trout, Western pearlshell mussel	No impact	Black-backed woodpecker, Fisher, Gray wolf	May adversely impact individuals or habitat, but not likely to result in a loss of viability on the planning area, nor cause a trend to federal listing or a loss of species viability range wide	Payson's milkvetch, Idaho barren strawberry	May impact individuals or habitat but not likely to cause trend toward federal listing or reduce viability for the population or species; opening of the vegetation and soil disturbance would benefit the species through improved habitat

Potential effects to ESA listed and sensitive fish and their habitat are associated with increased sediment yield from soil disturbance. The project is located on a ridge between Quartz Creek and an unnamed tributary to Crooked River, and it is not in a Riparian Habitat Conservation Area (RHCA). A portion of the road to access the site is located in the RHCA of an unnamed first order tributary, which is too small and steep to support fish. A small portion of this road would be reconditioned to allow access to the exploration site. Given the length of road, location, and proximity to the nearest occupied habitat, no effects to fish or habitat are expected. Regarding Canada lynx, the project is within a Lynx Analysis Unit (LAU), but there is no modeled lynx habitat within a quarter-mile of the project site. There is also no designated Critical Lynx Habitat within the Nez Perce-Clearwater NFs boundary. Noise production from equipment and human activity associated with the operation may impact lynx moving through the area in the short-term, but this project will not adversely impact or affect lynx. The project will not result in a reduction of snowshoe hare habitat. Regarding wolverine, on August 13, 2014, the U.S. Fish and Wildlife Service withdrew a proposal to list the wolverine in the contiguous United States as a threatened species under the endangered species act.

Two sensitive plant species, Payson's milkvetch and Idaho barren strawberry, have suitable habitat within the project area. If present, project activities, especially the opening of the road, could harm existing individuals; however, both species are well documented to withstand and/or require some level of disturbance to persist. It is anticipated that opening the area as proposed will increase the quality of habitat and benefit the species in the long run.

Unless specifically listed in the table above, the project would have either “no effect” or “no impact” on Forest sensitive plant and wildlife species or habitats (details can be found in the ID Team specialists’ reports, within the project record). Cumulative impacts to wildlife populations and habitats are addressed through consideration of past, proposed and reasonably foreseeable actions, such as road and trail construction and use, timber harvest, natural and prescribed fire, grazing, weed introductions, mining, and recreational uses. The results of past projects contribute to the current existing condition, which can be used to discuss effects of proposed activities on wildlife species. Based on consideration of these past, present, and reasonably foreseeable actions, the project would not have any incremental effect that would cause a cumulatively significant effect.

2. Floodplains, wetlands or municipal watersheds:

The project will not modify or occupy floodplains to an extent greater than already exist (complying with EO 11988), nor propose to modify or destroy wetlands (complying with EO 11990). The project is not located within a municipal watershed, and it complies with FSH 1909.15, Chapter 30.3.2, for these three types of watershed areas. The project would produce no measurable increase in temperature and would not affect water quality of any adjacent water body or downstream waters. Cumulative effects would be most noticeable at the site scale (if they occur), becoming progressively less discernible at the sub-watershed, watershed, and sub-basin scales. Given the low degree of anticipated site-level effects, cumulative effects are expected to be negligible.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:

The project is not within any congressionally designated area; therefore, no extraordinary circumstances were identified.

4. Inventoried roadless or potential wilderness areas:

The project is not within any roadless areas analyzed in the 1987 Nez Perce Forest Plan EIS, Idaho Roadless areas (36 CFR 294(c)), or potential wilderness areas; therefore, no extraordinary circumstances were identified.

5. Research Natural Areas:

The project area does not include land designated as a Research Natural Area; therefore, no extraordinary circumstances were identified.

6. American Indians and Alaska native religious or cultural sites:

An inventory was conducted by the Forest ID Team’s cultural resource specialist, and at least one cultural resource is known to be located within the area of potential activity. Concurrence with the Idaho State Historic Preservation Office has determined that the project will have no adverse effect to these properties, provided it avoids activities within “Feature 4” of site #01170001054.

7. Archaeological sites or historical properties or areas:

Please see the discussion under #6 immediately above.

III. Interested and Affected Agencies, Organizations, and Persons Contacted

On October 25, 2011, the Nez Perce-Clearwater National Forests mailed letters to individuals, organizations, state and local agencies, and the Nez Perce and Coeur d'Alene tribes, providing information and seeking public comment. The letters, as well as any applicable responses, are contained within the project record. Copies of this Decision Memo will be sent to these public commenters: Friends of the Clearwater, Idaho Conservation League, Mr. Dick Artley, and Idaho Department of Environmental Quality. Comments from these organizations regarding water quality and quantity, potential wildlife impacts, claim validity and sequencing, clarity of maps, and cumulative effects have been addressed either within this document, ID Team specialists' reports and/or other project records.

IV. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find it is consistent with applicable Federal laws and regulations.

American Indian Treaty Rights: The Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the project and determined the proposed action will not affect Nez Perce Tribe treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

Clean Air Act: This project will comply with the provisions of the Clean Air Act and with the rules, regulations, and permit procedures of the Environmental Protection Agency and the Idaho Department of Environmental Quality.

Clean Water Act and Stage Water Quality Laws: The project will comply with the Clean Water Act, as well as state and Federal water quality laws.

Energy Requirements: No unusual energy demands are required to implement the project.

Environmental Justice: The project will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American citizen, in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

INFISH/PACFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the project comply with direction regarding INFISH/PACFISH and RHCAs for minerals management.

Migratory Bird Treaty Act: The project complies with: the Migratory Bird Treaty Act; the U.S. Fish and Wildlife Service Director's Order #131, related to the applicability of the Migratory Bird Treaty Act to Federal agencies; and, Executive Order 13186, meeting Agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service.

National Environmental Policy Act (re: Cumulative Effects): Per Section 1508.7 of the Act, a cumulative impact is the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. For impacts to be

cumulative, the effects of each action considered must overlap in space and time. Although cumulative effects were analyzed for each resource area, the small project area and short duration of the project provided no overlap in space and time with other actions, resulting in no cumulative effects. Therefore, the project complies with the National Environmental Policy Act in regards to cumulative effects.

National Forest Management Act and Nez Perce Forest Plan: This action is consistent with the Nez Perce Forest Plan (USDA Forest Service 1987b), as amended, and as required by the National Forest Management Act of 1976.

National Historic Preservation Act: The project meets the Agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

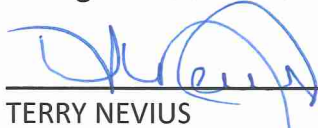
Prime Farm Land, Range Land, and Forest Land: The project complies with Federal Regulations for prime land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

Other Laws or Requirements: The project is consistent with all other Federal, state, or local laws or requirements for the protection of the environment and cultural resources.

V. Contact Person

Questions regarding this decision should be sent to: George Harbaugh, Acting Small NEPA Team Coordinator, c/o Nez Perce-Clearwater NFs Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536; gharbaugh@fs.fed.us; 208-935-4260 or FAX 208-935-4275.

VI. Signature of Deciding Officer



TERRY NEVIUS
District Ranger, Red River
Nez Perce-Clearwater National Forests

11/3/15
Date

Enclosures: Map of Proposed Project
cc: Marty Jones, Clint Hughes

Location of Proposed Project

